

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Ernst Peter Strecker

Group Art Unit: 3738 (Anticipated)

Application No.: Unassigned

Examiner: David H. Willse (Anticipated)

Filed: Herewith

Docket No.: 12013/56004

For: ENDOPROSTHESIS THAT CAN BE PERCUTANEOUSLY IMPLANTED IN THE  
PATIENT'S BODY

INFORMATION DISCLOSURE STATEMENT

M.S. Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d)

before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

- ☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.
- ☐ 5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
- ☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
- ☒ 9. The reference(s) was/were cited by or submitted to the Office in parent applications Nos. 09/776,850, filed February 6, 2001, and 08/707,820, filed September 4, 1996, and are relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
- ☐ 10. English-language Abstracts of the non-English language references are attached hereto.
- ☐ 11. Other.

Respectfully submitted,

KENYON & KENYON

Date: September 8, 2003

  
\_\_\_\_\_  
Fred T. Grasso  
Registration No. 43,644

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	Unassigned
				Filing Date	Herewith
				First Named Inventor	Ernst Peter Strecker
				Art Unit	3738 (Anticipated)
				Examiner Name	David H. Willse (Anticipated)
Sheet	1	of	5	Attorney Docket Number	12013/56004

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 5,628,784	5/1997	Strecker	
		US- 5,059,211	10/1991	Stack, et al.	
		US- 4,879,135	11/1989	Greco, et al.	
		US- 5,163,952	11/1992	Froix	
		US- 5,234,456	8/1993	Silvistrini	
		US-5,383,928	1/1995	Scott, et al.	
		US- 5,500,013	3/1996	Buscemi, et al.	
		US- 5,282,847	1/1994	Triscony	
		US- 5,282,823	1/1994	Schwarz	
		US- 4,775,380	10/1998	Seedham, et al.	
		US- 4,732,152	3/1988	Wallsten, et al.	
		US- 4,299,226	11/1991	Banka	
		US- 4,140,126	2/1979	Choudhury	
		US- 3,699,956	10/1972	Kitrilakis, et al.	
		US- 4,026,296	5/1977	Stoy, et al.	
		US- 4,330,497	5/1982	Agdanowski	
		US- 4,364,392	12/1982	Strother, et al.	
		US- 4,417,576	11/1983	Baran	
		US- 4,423,725	1/1984	Baran, et al.	
		US- 4,448,195	5/1984	LeVeene, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 90/13332	11/1990			
		WO 91/12779	9/1991			
		WO 92/06734	4/1992			
		EP 0 292 587 B1	11/1990			
		DE 36 40 745 C2	3/1992			
		EP 0 306 690	3/1989			
		EP 0 183 372	6/1986			
		EP 0 292 587 A1	11/1988			
		DE 39 18 736 A1	12/1990			

Examiner Signature	Date Considered
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 5

**Complete if Known**

Application Number	Unassigned
Filing Date	Herewith
First Named Inventor	Ernst Peter Strecker
Art Unit	3738 (Anticipated)
Examiner Name	David H. Willse (Anticipated)
Attorney Docket Number	12013/56004

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		Number - Kind Code <sup>2</sup> (if known)			
		US- 4,481,323	11/1994	Sterling	
		US- 4,515,593	5/1985	Norton	
		US- 4,589,873	5/1986	Schwartz, et al.	
		US- 4,592,340	6/1986	Boyles	
		US- 4,603,152	7/1986	Laurin, et al.	
		US- 4,693,243	9/1987	Buras	
		US- 4,714,460	12/1987	Calderon	
		US- 4,769,013	9/1988	Lorenz, et al.	
		US- 4,784,647	11/1988	Gross	
		US- 4,820,270	4/1989	Hardcastle, et al.	
		US- 4,832,688	5/1989	Sagae, et al.	
		US- 4,876,126	10/1989	Takemura, et al.	
		US- 4,909,258	3/1990	Kuntz, et al.	
		US- 4,923,450	5/1990	Maaeda, et al.	
		US- 4,950,256	8/1990	Luther, et al.	
		US- 4,983,166	1/1991	Yamawaki	
		US- 4,993,412	2/1991	Murphy-Chutorian	
		US- 4,994,033	2/1991	Shockey, et al.	
		US- 5,021,044	6/1991	Sharkawy	
		US- 5,026,607	6/1991	Kiezulas	

**FOREIGN PATENT DOCUMENTS**

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		EP 0 166 998 B1	1/1986			
		EP 0 372 088 A1	6/1990			
		EP 0 379 156 A2	7/1990			
		EP 0 399 712 A1	11/1990			
		GB 2,112,646	7/1983			
		WO 91/08790	6/1991			
		SU 1069826	1/1984			
		WO 89/12478	12/1989	Just, et al.		
		DE 380 205	1/1924	Frankenstein		

Examiner  
SignatureDate  
Considered

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PTO/SB/08a (05-03)

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		US- 5,041,100	8/1991	Rowland, et al.	
		US- 5,047,045	9/1991	Arney, et al.	
		US- 5,049,132	9/1991	Shaffer, e al.	
		US- 5,091,205	2/1992	Fan	
		US- 5,102,402	4/1992	Dror, et al.	
		US- 5,120,322	6/1992	Davis, et al.	
		US- 5,316,023	05/31/1994	Palmaz, et al.	
		US- 5,197,977	03/30/1993	Hoffman, et al.	
		US- 4,423,725	01/03/1984	Boran, et al.	
		US- 4,321,711	03/30/1982	Mane	
		US- 3,426,758	02/11/1969	Harautuneian	
		US- 3,279,996	10/18/1966	Long, et al.	
		US- 5,232,444	08/03/1999	Just, et al.	
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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		DE 1,196,327	7/1965	Rosch		
		JP 53/006430	1/1978	Takahida, et al.		
		DE OS 2 941281	3/1982	Hiroshi		

Examiner Signature		Date Considered	
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PTO/SB/08b(05-03)

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		Filing Date	Herewith
		First Named Inventor	Ernst Peter Strecker
		Group Art Unit	3738 (Anticipated)
		Examiner Name	David H. Willse (Anticipated)
(use as many sheets as necessary)		Attorney Docket Number	12013/56004
Sheet	4	of	5

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Claude et al., Radiology (1992) pp. 184:185-190, Intraluminal Bypass of Abdominal Aortic Aneurism: Feasibility Study; 2/1992.	
		The Andreas Gruentzig Cardiovascular Center News Letter (Spring 1990)	
		Oppenheim et al., Proceed. Intern Symp. Rel. Bioact. Mater., 15, No. 33, 1988.	
		Wollinsky H. et al., "Local Introduction of Drugs into the Arterial Wall: A Percutaneous Catheter Technique", JOURNAL OF INTERVENTIONAL CARDIOLOGY, Vol. 2, No. 4, 1989, pp. 219-228	
		Chapman et al., "A Bioabsorbable Stent: Initial Experimental Results", Circulation (Supp III) 82:0283 (abstract) (October 1990).	
		Guyton, et al., "Inhibition of Rat Arterial Smooth Muscle Cell Proliferation by Heparin: In Vivo Studies with Anticoagulant and Nonanticoagulant Heparin," Circ. Res. 46:625-634 (May 1980).	
		McMath et al., "Experimental Application of Bioprotective Materials to Injured Arterial Surfaces with Laser Balloon Angioplasty", Circulation (Supp III) 82:0282 (abstract) (October 1990).	
		Thompson, et al., "Heparin and Growth Control of Vascular Cells," Ann. N.Y. Acad. Sci. 556:255-267 (1989).	
		Tidd et al., "Comparison of Hydrophilic Polymer-Coated Latex, Uncoated Latex and PVC Indwelling Balloon Catheters in the Prevention of Urinary Infection," J. Urol, 48:285-291 (1976)	
		Waller, B.F. et al., "Vessel Wall Pathology after Angioplasty," CARDIO, August 1990, P. 57.	
		Waller et al., "Morphologic Observations Late After Coronary Balloon Angioplasty" Mechanism of Acute Injury and Relationship to Restenosis," Radio, 174:961-967 (March 1990).	

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	5	of	5
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**Complete if Known**

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Filing Date	Herewith
First Named Inventor	Ernst Peter Strecker
Group Art Unit	3738 (Anticipated)
Examiner Name	David H. Willse (Anticipated)
Attorney Docket Number	

## OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

[illegible]

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